

1331-334

ASSIGNMENT OF PATENT APPLICATION

(Inventor) **Reid W. VON BORSTEL**

In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(Assignee)
(Address) PRO-NEURON, INC.
(of 16020 Industrial Drive, Gaithersburg, MD 20877
(hereinafter designated as the Assignee) the undersigned's entire right, title and interest for the United States, its territories, dependencies and possessions in the invention, and all applications for patent and any Letters Patent which may be granted therefore, known as

(Title) COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES (Case No. 1331-334)
for which the undersigned has (have) executed on even date herewith an application for patent in the United States of America or, if not on even date, then has executed (on _____ or has already filed in (U.S. appln. Serial No. _____, filed on _____).
The undersigned acknowledges an obligation of assignment of this invention to said assignee at the time the invention was made.

The undersigned agree(s) to execute all papers and documents necessary in connection with the application or any interference which may be declared and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient and further to perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of NIXON & VANDERHYE P.C. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned signature(s).

Date 2-08-01 Signature of inventor Reid W. von Borstel
Reid W. VON BORSTEL

Witnessed by: _____ Date _____

Witnessed by: _____ Date _____

1331-334
18017-CPIPCT

Nixon & Vanderhye P.C. (10/99)
(Domestic Non-Assigned/Foreign) Page 1

RULE 63 (37 C.F.R. 1.63)
INVENTORS DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES

the specification of which (check applicable box(s)):

Is attached hereto
 was filed on _____ as U.S. Application Serial No. _____ (Atty Dkt. No. 1331-334)
 was filed as PCT International application No. PCT/US99/19725 on 31 August 1999
 and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

| Application Number | Country | Day/Month/Year Filed |
|----------------------------------|-----------|-----------------------|
| <u>69/144,096- 71, B 2-09-01</u> | <u>US</u> | <u>31 August 1999</u> |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

| Application Number | Date/Month/Year Filed |
|--------------------|-----------------------|
| | |

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):

| Application Serial No. | Day/Month/Year Filed | Status: patented pending, abandoned |
|--------------------------------|-----------------------|-------------------------------------|
| <u>71-09-01 PCT/US99/19725</u> | <u>31 August 1999</u> | <u>31 AUGUST 1998</u> |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Basha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41428; Chris Comuntzis, 31097. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1. Inventor's Signature:

Reid W. von Borstel

Date: 2-09-01

Inventor:

| | | |
|-----------------|----------|-----------------------|
| Reld (first) | W. MI | VON BORSTEL (last) |
|-----------------|----------|-----------------------|

US
(citizenship)

Residence: (city)

| | | | |
|---------|----|-----------------|----|
| Potomac | MD | (state/country) | MD |
|---------|----|-----------------|----|

Mailing Address:

| | |
|---------------------------|--|
| 8310 Fox Run, Potomac, MD | |
|---------------------------|--|

(Zip Code)

| | |
|-------|--|
| 20854 | |
|-------|--|

Applicant or Patentee: Reid W. VON BORSTEL

Serial or Patent No.:

Filed or Issued:

COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY****STATUS [37 19(f) and 1.27(c)] - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:
 NAME OF CONCERN PRO-NEURON, INC.

ADDRESS OF CONCERN 16020 Industrial Drive, Gaithersburg, MD 20877

I hereby declare that the above Identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES

Key inventors

Reid W. VON BORSTEL

described in

 the specification filed herewith. application Serial No. _____

, filed _____

 patent No. _____

, issued _____

the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor who could not qualify as an independent Inventor under 37 CFR 1.9(c) If that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the Invention averring to their status as small entities (37 CFR 1.27)

Name _____

Address _____

 Individual Small Business Concern Nonprofit Organization

Name _____

Address _____

 Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

MICHAEL K. BAMAT

TITLE OF PERSON OTHER THAN OWNER

VICE-PRESIDENT, RESEARCH & DEVELOPMENT

ADDRESS OF PERSON SIGNING

16020 INDUSTRIAL DR., GAITHERSBURG MD 20877

SIGNATURE

Michael K. Bamat

DATE

09 Feb '01